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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/773,378

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Joseph D. Masci

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EXAMINER

NGUYEN, DAT

ART UNIT

PAPER NUMBER

3714

NOTIFICATION DATE

DELIVERY MODE

03/19/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENTS@BELLBOYD.COM

<b>Office Action Summary</b>	<b>Application No.</b> 10/773,378	<b>Applicant(s)</b> MASCI ET AL.	
	<b>Examiner</b> DAT T. NGUYEN	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/02/2007</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

This office action is responsive to the amendments filed on 10/02/2007 in which applicant amends claims 1, 3, 8, 10, 13, 15, 20, 22, 23, 25, 26, 37, 38, 39 and 50, adds new claims 51-56 and responds to claim rejections. Claims 1-56 are pending.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-34, 37-47, 50-52 and 55-56 are rejected under 35 U.S.C. 102(b) as being anticipated by Thomas et al. (US 6,190,255 B1).

Regarding claims 1, 12, 13, 24, 25, 34, 38, 47 and 51-56:

Thomas et al. (hereinafter as “Thomas”) discloses a gaming device comprising:

A plurality of reels controlled by a processor and each reel including a plurality of symbols (figure 2, 12 and 13 and the detailed description thereof);

A plurality of different paylines associated with the reels, the plurality of paylines include a first payline (figure 1 and 3);

A plurality of different predetermined modifiers including a first predetermined modifier, each of said different predetermined modifiers associated with a different one of said paylines (figure 3, feature depicted by the row of 7 jackpot, each payline is inherently associated with a multiplier. payline 1 is the 1 multiplier, payline 2 is the 2

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multiplier, 3 is the 3 multiplier and so on). Wherein the first predetermined modifier is associated with the first payline for each play of the game (the modifiers are set on a payable that does not change after each game, however it should be noted that paylines and payout amounts could be changed by casino establishments to suit their various needs);

A plurality of different winning combinations of symbols adapted to occur on said paylines (figure 3); and

Wherein at least one processor is programmed for a play of the game to:

activate the reels, determine an outcome and provide at least one outcome adapted to be provided to the player when the winning symbol combination occurs on one of the paylines, wherein the outcome is based on an award associated with said winning symbol combination and the predetermined modifier associated with the payline on which said winning combination occurred. Thomas discloses providing different payouts based on the occurrence of the winning combination (jackpot 7). If the winning combination occurs on a high labeled payline, the pay out is greater and therefore inherently there is some multiplier associated with the payout.

Regarding claims 51-55, wherein the modifiers are based on the number of the respective payline (figure 3).

Regarding claim 2 and 14, the payline includes horizontal and diagonal paylines (figure 1).

Regarding claim 3, 15 and 26, wherein each of the paylines are numbered successively (figure 1 and 3).

Regarding claim 4, 16 and 27, wherein the value of the modifiers increase by a predetermine amount for each of the successively numbered paylines (figure 3).

Regarding claim 5, 17 and 28, wherein the value of the modifiers increase sequentially for each of the successively numbered paylines (figure 3).

Regarding claim 6 and 18, wherein the value of the modifiers increase by a predetermined factor for each of the successively numbered paylines (Figure 3).

Regarding claim 7 and 19, wherein the number of the paylines is predetermined (figure 1 and 3).

Regarding claim 8 and 20, the player places wager amounts for each of the paylines in a successive order (figure 1).

Regarding claim 9 and 21, wherein the outcome includes any awards associated with winning symbol combination occurring on the paylines modified by the modifiers respectively associated with said paylines and multiplied by the wager amount inputted by the player for said respective paylines. The game of Thomas is depicted as a 25 cent machine so inherently the wager is multiplied by 400 times and further multiplied by the base of a 1 multiplier for the case of payline 1 in figure 3 for a 7 jackpot. It is multiplied by 400 for the base wager and then 2 for the payline 2 and so on for successive paylines.

Regarding claim 10, 11, 22 and 23, the players wager the same input amount for each payline since the machine of Thomas is depicted as a 25 cent machine and so each payline is wagered at 25 cents (figure 1).

Regarding claim 12 and 24, see rejection of claim 1. It should be noted that the claims do not require all winning outcomes, but merely "a" or "at least one" and so the a or at least one is the Jackpot 7 of Thomas.

Regarding claims 28-34, see discussion of claims 2-10 respectively.

Regarding claims 37 and 50, the game operators on memory (figure 14 feature 64).

Regarding claims 39-47, see discussion of claims 2-10 respectively.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 35, 36, 48, 49, 53 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al.

The prior art fails to teach the game device operating on a network or the internet. However operation of gaming devices such as the one taught by Thomas through an internet network is notoriously old and well known in the art. One would be motivated to do so because operation of the game on a network allows for operators to monitor the activity of the game. Therefore it would be been obvious to one of ordinary skill in the art at the time of invention to operate the game of Thomas on a network.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-56 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAT T. NGUYEN whose telephone number is (571)272-2178. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571)272-6996. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/  
Primary Examiner, Art Unit 3714

Dat Nguyen